

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 14, 1994

Mr. Satoru Morishita
Deputy Director
Office of Marine Pollution Control & Waste Management
Environmental Agency
Kasumigaseki 1-2-2
Chiyoda-ku, Tokyo, Japan

Dear Mr. Morishita:

I am writing to follow-up my previous letter to you of July 6, 1994 regarding the export from Japan to the United States of bubblers containing phosphorus oxychloride used in the production of semiconductors. In my previous letter to you I indicated that based on available information, we believed that the bubblers should be managed under the Amber tier and best meet the definition of AD080, wastes of an explosive nature when not subject to specific other legislation. Since that time, Schumacher of Carlsbad, CA, the company that manufactures new bubblers and receives the returned bubblers, has provided EPA with additional data on the chemical purity of the phosphorous oxychloride remaining in the bubbler canister. The data indicate that the phosphorous oxychloride remaining in the returned canister is almost as pure as it was when inserted into the canister. Under U.S. hazardous waste laws and regulations, unused commercial chemical products that are to be reclaimed are not solid wastes. The data indicate that the phosphorous oxychloride in the returned canister is not used. Based on this new information, EPA does not believe these bubbler canisters are a waste and therefore are not, in our view, subject to the terms of the OECD decision C(92)39/Final. If you have any further questions, please contact either Paul Borst at (202) 260-4713 or Denise Wright at (202) 260-3519 of my staff if you would like to discuss this matter.

Sincerely,

David Bussard, Director
Characterization and
Assessment Division
Office of Solid Waste

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